IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

DATE OF DECISION: 8.9.2006

Sukhdev Singh and others

...Petitioners

versus

State of Punjab and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr.Justice Mahesh Grover.

Present: Mrs.Anju Arora, Advocate
for the petitioners.
Ms.Reeta Kohli, DAG, Punjab.
Mr.S.P.S.Tinna, Advocate
for respondent No.4.

UMA NATH SINGH, J. (ORAL)

Learned counsel for the petitioners submitted that the writ petition involves two questions, namely, (i) as to disqualification of the sitting Sarpanch, and (ii) as to rejection of nomination papers of the petitioners.

As regards disqualification, in terms of Section 12 of the Punjab State Election Commission Act, 1994, the State Government is the competent authority to decide the issue. So far as the second point is concerned, as election of the Sarpanch has already been notified, the matter can be adjudicated by the State Election Commissioner. Accordingly, the petitioners are granted liberty to approach the State Government as well as the State Election Commissioner for decision of the aforesaid issues. The

said authorities shall decide the representation/petitioner within a period of two months from the date of filing of the same.

With the aforesaid direction, the writ petition is, hereby, disposed of.

(UMA NATH SINGH)
JUDGE

September 8, 2006 **(MAHESH GROVER)**
pk **JUDGE**